

**REMARKS**

Claims 1-13 are pending in this application.

Claims 1-4, 7-10, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0128051 to Liebenow in view of U.S. Patent Application Publication No. 2002/0098859 to Murata.

By the foregoing amendments, Applicants affirm the telephonic election of claims 1-13 made on December 6, 2004. Applicants have canceled the non-elected claims (i.e., claims 14-31).

Liebenow relates to a system and method for notifying a remote device of a low battery level. A detector is coupled to a battery output to monitor the battery capacity status. The detector forwards the battery capacity status information to a control system, which then sends the battery capacity status information to a remote system (paragraph 0017). The system only takes action (enters a standby mode) upon receipt of a low battery capacity status signal (paragraph 0021). While in standby mode, the system acts to correct the low battery capacity status condition (paragraph 0023).

Murata relates to a system for monitoring the battery level of a communication device. A monitor circuit in a user terminal monitors the power of the user terminal, including whether the user terminal is operating on external

power or internal power (paragraph 0017). Based on the current power level and source of power, the monitor circuit will send different messages to a base station controller (paragraphs 0020, 0022, and 0025). These messages are report messages of the power level and power source and are stored at the base station (paragraph 0026). If the external power source fails and no call is in progress, the user terminal is switched to an internal battery (paragraph 0021). If a call is in progress and the battery level is low, then the user terminal terminates the call (paragraph 0025).

Combining the disclosures of Liebenow and Murata would not lead one skilled in the art to the present invention, due to several features of the present invention that are not present in these references. First, a battery level measurement is not requested; both Liebenow and Murata disclose systems in which the remote device autonomously reports its power status to another device without prompting from that device. In Liebenow, the remote device only sends a report when there is a low battery level; it does not send a report when the battery level is not "low".

Second, the battery level measured at the remote devices of Liebenow and Murata is not stored in the system. Liebenow only provides for reports of a low battery level to be sent by the remote device; there is no mention of storing the reports. The messages sent by Murata are limited to whether the power level is normal or below a critical level (see Figure 4).

Third, Murata does not disclose using radio resource management (RRM) procedures to conserve the battery level. The paragraphs of Murata cited by the Examiner in the Office Action (paragraphs 0016 and 0022) do not mention anything about conserving battery power, let alone using RRM procedures. As shown by Figure 4 of Murata, that system will switch between external power and battery power if the external power is about to fail, and then if the battery power is below a lower limit, any in-progress call will be terminated.

As the present invention as recited in independent claims 1 and 7 contain features not present in the cited references, those claims are distinguishable over the cited references. Because the independent claims are distinguishable over the cited references, the dependent claims (i.e., claims 2-6 and 8-13) are also distinguishable over the cited references without the need for additional discussion.

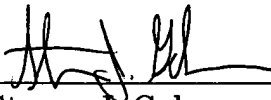
It is respectfully submitted that the amendments and remarks made herein place pending claims 1-13 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1-13 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

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Respectfully submitted,

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